

18 December 1998

**Further information on UA 292/98 (AMR 51/93/98, 10 November 1998) and follow-ups (AMR 51/100/98, 1 December 1998 and AMR 51/105/98, 10 December 1998) - Death Penalty / Prison Conditions**

**USA (Oklahoma)      John Wayne DUVALL, aged 47  
                                 John Walter CASTRO, Native American**

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John Wayne Duvall was executed, as scheduled, on 17 December 1998. He had been convicted in 1987 of the murder of his estranged wife. He became the 499th prisoner to be executed in the USA since executions resumed in 1977.

Under Oklahoma law, the state Governor can grant clemency in a case if the Pardon and Parole Board recommends that he do so. After the clemency hearing for John Duvall on 17 November, two members of the Board voted to recommend that the death sentence be commuted to life imprisonment without parole and two voted that the sentence should stand. The fifth board member abstained on the grounds of conflict of interest because he had worked as a clerk for a court when it heard one of John Duvall's earlier appeals. Under the circumstances, this abstention effectively denied John Duvall the opportunity to gain a majority vote in his favour. The 2-2 result meant that no clemency recommendation was forwarded to the Governor.

John Duvall's lawyers argued that because Governor Keating has previously been reported as saying that he would not grant clemency to any prisoner convicted of murder, John Duvall was denied his right to a fair clemency proceeding. On 14 December, the 10th US Circuit Court of Appeals rejected this appeal, ruling that because in this case the Governor had received no clemency recommendation from the Board, his role in the proceedings was irrelevant, as his discretionary power had not been invoked.

John Walter Castro's clemency hearing before the Pardon and Parole Board will be on 21 December. He is scheduled for execution on 7 January 1999.

**FURTHER RECOMMENDED ACTION: Please send telegrams/e-mails/faxes/express/airmail letters in English or your own language:**

- expressing regret at the execution of John Duvall;
- expressing deep concern at the scheduled execution of John Castro on 7 January 1999, and urging clemency in his case;
- expressing sympathy for the victims of crime and their relatives, but noting that an increasing number of relatives of murder victims in the USA are speaking out against the death penalty as brutalizing and unhelpful in coming to terms with the loss of their loved ones;
- noting the world trend away from the death penalty, and pointing out that the 50th anniversary of the Universal Declaration of Human Rights remains an opportune moment for the authorities to take a moral lead in breaking the cycle of violence in the USA and exploring humane alternatives to the death penalty.

**APPEALS TO:**

Oklahoma Pardon and Parole Board (for appeals before 21 December)  
4040 N. Lincoln Street, Suite 219  
Oklahoma City, OK 73105-5221, USA  
**Telephone: + 1 405 427 8601**  
**Faxes: + 1 405 427 6648**

**Salutation: Dear Board Members**

Governor Frank Keating

212 State Capitol

Oklahoma City, OK 73105, USA

**Telegram: Governor Keating, Oklahoma City, OK, USA**

**Telephone: + 1 405 521 2342**

**Faxes: + 1 405 521 3353**

**E-mail: governor@oklaosf.state.ok.us**

**Salutation: Dear Governor**

**COPIES TO:**

*Daily Oklahoman*, 9000 North Broadway, PO Box 25125, Oklahoma City, OK 73125, USA.

**Faxes: + 1 405 475 3183 / 231 3513**

*Tulsa World*, 315 South Boulder Avenue, Tulsa, OK 74103, USA.

**Faxes: + 1 918 581 8353**

and to diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**